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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,898	01/22/2004	Alexander J. Somogyi	ORACL-01337US1	6166
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Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 02/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,898	Applicant(s) SOMOGYI ET AL.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 and 10-21, are pending in this application.

Claims objection:

2. Claims 1-8, and 10-18 are objected to for potential 101 problem because the claimed invention is directed to a computer program product that is not stored on anywhere or on a memory . The applicant is recommended to use this language (i.e. a computer-program product stored on a memory).

3. As to claim 6, lines 9 and 18-19, It is cited “if a second server thread is determined to be available ” and in lines 11 and 20-21 it cited “ if no second server thread is determined to be available” . It is not clear whether the repeat of these steps in the claim are needed or is a duplicate. Applicant is required to amend claim 6 in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Art Unit: 2194

5. Claims 1-8 and 10-21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) "the first server ", Claim 6, lines 8 and 10.
- (ii) "the commit operations ", Claim 6, line 17.
- (iii) "the computer code for processing for", claim 19, lines 3 and 12.
- (iv) "the commit operations ", Claim 19, line 13.

B. The following claims language is unclear and indefinite:

- (i) As to claims 1, line 5, It is cited "a first local resource participant" and in line 8, it is cited "a second local resource participant" . It is unclear where these local resources are located or who they are associated with (i.e. " the first server thread " or " the second server thread") . Applicant is required to clarify this claim in response to this office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

Art Unit: 2194

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 and 10-21 are rejected under 35 U.S.C. 103 (a) as unpatentable over Pardon et al. (US 66716867) in view of Park et al (US 20020178177).

8. As to claim 19, Pardon teaches the invention substantially as claimed including a method, comprising:

processing a plurality of prepare operations (col. 13, lines 5-35; wherein a 2PC in RMI environment are known to include a plurality of prepare operation), wherein each of the plurality of prepare operations are associated with a prepare phase and a local resource participant ("DB2", FIG. 4; col. 3, lines 64-67; col. 3, lines 40-43; col. 11, lines 42-57), wherein the computer code for processing for each prepare operation of one or more of the prepare operations includes:

dispatching the prepare operation to a second server thread (server 2; FIG. 4; col. 4, lines 1-15) if a second server thread is determined to be available; and

processing the prepare operation in the first server thread (server 1, FIG. 4; col. 4, lines 1-15);

processing a remaining prepare operation in the first server thread (FIG. 4; col. 4, lines 1-15, col. 12, lines 54-67);

processing a plurality of commit operations (col. 11, lines 19-23; col. 12, lines 4-10), wherein each of the plurality of commit operations are associated with a

Art Unit: 2194

commit phase and a local resource participant (col. 13, lines 10-15; "DB1", FIG. 4; col. 3, lines 64-67), wherein the computer code for processing for each commit operation of one or more of the commit operations includes:

 dispatching the commit operation (FIG. 6; "commit") to a second server thread (server 2; FIG. 4; col. 4, lines 1-23);

 processing the commit operation (FIG. 6; "commit") in the first server thread (FIG. 4; col. 3, lines 40-50; col. 4, lines 1-23);

 processing a remaining commit operation in the first server thread (co 4, lines 30-39) .

9. Pardon does not explicitly teach that the prepare phase is complete, and writing results of the commit phase to a transaction log .

10. Park teaches a two phase commit method wherein the preparing step has been completed and a writing the log/results of the transactions after (paragraph 34).

11. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Pardon's invention with Park's to provide a prepare completed step and writing results of the prepare and commit transactions to a log file, because it would improve the performance of Pardon's system by allowing the monitoring of transactions in order to guarantee the consistency of data stored in various kinds of database (Park's paragraph 8).

Art Unit: 2194

12. As to claim 1, Pardon teaches the invention substantially as claimed including a computer program product for execution by a server computer for implementing a two-phase commit protocol (col. 3, lines 15-25), comprising:

computer code for dispatching a first operation from a first server thread ("server 1", FIG. 4; col. 4, lines 1-6) to a second server thread ("server 2", FIG. 4) wherein the first prepare operation is associated with a first local resource participant ("DB2", FIG. 4; col. 3, lines 64-67) and a prepare phase (col. 13, lines 33-35);

computer code for processing a second prepare operation by the first server thread (col. 13, lines 5-20), wherein the second prepare operation is associated with a second local resource participant ("DB3", FIG. 4) and the prepare phase (col. 13, lines 33-35);

computer code for dispatching a first commit ("commit" FIG. 6) operation from the first server thread to a third server thread (server 3, FIG. 4), wherein the first commit operation is associated with the first local resource participant and a commit phase (FIG. 6; col. 4, lines 1-5); and

computer code for processing a second commit operation ("commit" FIG. 6) by the first server thread, wherein the second commit operation is associated with the second local resource participant and the commit phase (FIG. 6; col. 4, lines 1-5).

13. Pardon does not explicitly teach parallel processing, the prepare phase is complete, and writing results of commit phase to a transaction log.

14. Park teaches parallel execution/processing of transactions (abstract; paragraph 13), a prepare phase complete, and writing results of the transactions to a log (paragraph 34).

15. As to claim 6-7, they are rejected for the same reasons as claim 19 above.

16. As to claim 2, Pardon teaches, computer code for selecting an idle server thread to process the first prepare operation Col. 3, lines 64-57; col. 4, lines 1-10; wherein the claimed elements “load balancing” and the “transaction manager” of pardon’s reference meet the claimed limitation of the claim).

17. As to claim 3, Pardon teaches, computer code for determining available server threads in a server (col. 4, lines 1-10).

18. As to claim 4, Pardon teaches wherein a thread pool manager determines the available server threads in the server (col. 7, lines 39-50; FIG. 1; “proxy”).

19. As to claim 5, Park teaches, computer code for reporting results of the prepare phase (paragraph 14).

Art Unit: 2194

20. As to claim 11, Pardon teaches, wherein a dedicated thread pool (col. 14, line 67) . Park teaches parallel transaction operations (batsract).

21. As to claim 12, , Pardon teaches, wherein a transaction manager implements Java Transaction API (abstract).

22. As to claim 13, Pardon teaches, wherein the first resource is an XA resource (col. 14, lines 5-6).

23. As to claim 17, Pardon teaches, wherein all of the prepare operations and all of the commit operations are part of a single transaction ((FIG. 4; col. 9, lines 50-51). Wherein the claimed element “ a single transaction monitor” of Pardon’s reference meets the claimed limitation of the claim).

24. As to claim 8, it is rejected for the same reasons as claim 4 above.

25. As to claim 10, it is rejected for the same reasons as claim 5 above.

26. As to claim 14, it is rejected for the same reasons as claim 13 above.

27. As to claim 15, it is rejected for the same reasons as claim 11 above.

Art Unit: 2194

28. As to claims 16 and 20, they are rejected for the same reasons as claim 12 above.

29. As to claims 18 and 21, they are rejected for the same reasons as claim 17 above.

Response to Arguments

30. Applicant's arguments with respect to claims 1-8, 10-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Bomfim et al (US 20040010502) discloses In-memory database for high performance, parallel transaction processing.

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

Art Unit: 2194

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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